

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

FILED

2011 JUN -6 PM 3

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF
AKRON

Earl E. Marsh Jr
Plaintiff

-VS-

~~AL & Susan Kerkian~~

AL & Susan Kerkian
Defendant(s)

Mike Mulbert
Nedra Johnson
Dave Calender

CASE NO.

5:11 CV 1156

JUDGE

JUDGE LIOI

MAG. WHITE

COMPLAINT

① I could tell a long drawn out story about the drama that took place at Goodline Alley during my term of employment July 9, 2008 - thru June 16 2010.

② Doing that would open the flood gates for a lot of he said, she said, when the facts of the matter can be proven through payroll

③ I also have a Labor Law Violations case being handled

by attorney Edward Gilbert,
and that case is centered
around the same issue
Payroll.

- ④ Best case scenario, check
the paychecks of these
European American employees
Ryan Collins, Chris Dorman,
Austin LNU, Eric Schneider,
Mike LNU, Morde LNU, Jon Paul
aka JP check these European
Americans, rate of pay, number
of raises, number of hours

age, and years of experience
against

⑤ The same issues belonging
to these African American
employees, Earl E Marsh Jr,
Anheca Alford, Willie Cooley,
Jim Clardy, during the time
frame of my employment 7-9-08

6-16-10

⑥ Gasline Alley Management
positions are all held by
African American people. Please
check the rate of pay for

John McDonald, Nadia Johnson
and Mike Milbert against
the same European American
employees as listed above

① In May of 2009 I
received a \$1 per hour raise

Andrew Alford 4-5 years of
service and Willie Coody
6-7 yrs of service had
never received raises of
any sort.

② An incident occurred
behind this, prompting

Susan to confront me and threaten to revoke my raise. I told her no problem, and to do what she felt she needed to do, because even with the raise I felt I was still under paid, and that I was diligently working toward my next raise.

⑨ Needless to say, but things changed after this

and my hours dropped
drastically ~~off~~ and my
gross income for 09 was
15,341.25. Full time 40 hrs per wk
52 wks should have grossed
me \$16,640

⑩ Question: Has Baseline Alley
over paid an African American
man over \$9 an hour
in store history.

⑪ Question - Can Baseline Alley
explain hiring and firing
practices since the filing

of my initial complaint

⑫ Grover LNU, Katie LNU,

Kaitlin LNU, Chef Eric LNU all

ate up numerous hours

that I could have desperately

used, and it puzzles me

that all four were let

go shortly after my filing

of initial complaint

⑬ Nedra Johnson was owed

more un-paid overtime

than anyone, so it would

make sense to re-line

for I guess.

(14) Why was Jim Claridy re-hired one week after I filed when it is a known fact that Mike Milbert or should I say Chef Mike Milbert never wanted Jim Claridy to work at Hooters Alley from the very beginning

(15) From the very beginning of his employment Mike Milbert took himself out of contention for the Head Chef position

simply because he could not work nights and live in the same house with his wife, who worked days and has many years of service at her job

⑩ Four months after filing initial complaint, Mike Millett signed an affidavit claiming to be Head Chef at Gasoline Alley in charge of hiring and firing. He also claimed to be in the process

of firing me anyway.

⑮ On Thursday June 17th
on route to work riding
my bike, Mike Milbert
called and said that
Susan Kerkian had told
him to take me off
the schedule. His exact words.

⑯ Susan Kerkian fired me with
a text message

⑰ Dave Calenders text words
to me, when he sent me
home on Wed June 16th 2010

I don't know why you are so angry, you will be back tomorrow, you are not fired.

20 In closing this was without a doubt the most difficult job I ever worked.

Equal employment was a far stretch from attainable, and in May of 2010 I made Susan Kirkian aware of the fact that new hires were receiving better schedules

than myself, and that I was no longer interested in working under the table unless I received 80 hrs per payroll on the check first.

② I was fired before I could receive a check of 80 hrs or better.

③ In Jan of 09 I requested copies of payroll checks I had lost. Susan provided me with copies, no problem.

with Gasoline Alley's, updated
high tech computer system it
should be no problem to
pull up everyone's payroll
info for comparison

Wants put aside, I needed
that job at the time, and
I did everything possible to
be a good employee for Gasoline
Alley, and to be lied upon
and dismissed so easily still
angers me to this day

dealings with Mike Milbert,
discussing our worth to Gasline
Alley, a topic we often discussed
I always said \$12 an hour
was my goal. So I am
seeking relief of \$12 40 hours
a week for the entire year
the process has taken which
equals \$25,000

Earl E Marsh Jr
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